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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,651	02/26/2002	Stephen Blair Kinlaw	PU3751USW	3557

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EXAMINER	
VO, TED T	

ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/069,651	KINLAW ET AL.	
	Examiner	Art Unit	
	Ted T. Vo	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 February 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/26/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the communication filed on 02/26/2002 filed under 35 U.S.C 371 over PCT/US0023159.

Claims 1-19 are pending in the application.

Claim objections

2. Claim 16 is objected to. It requires correcting typo error "An comprising comprising:".

Specification

3. This specification is objected to.

- The information filed within the FIRST PRELIMINARY AMENMENT, page 1, in section In the Specification, is objected to. It requires correcting the information data specified in this amendment. This application is filed as a 371 of the PCT/US00/23159 filed on August 23, 2000, which is a **CON** (not priority) of the U.S. serial No. 09/384,485, is now **abandoned**. In the text of the amendment, at line 3, "which claims **priority**", is not correct.

- The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

- The "Figure 5" does not existed in the Drawings. The section, Brief Description of the Drawings, in the specification does not give brief descriptions of Fig. 5 A and Fig. 5B. See MPEP § 608.01(f). Appropriate corrections of "Figure 5" in the specification are required.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a) because they fail to show information/labels as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing, particularly, the blanks boxes in Figs. 2, 3, 5A, 5B, 6. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 4-5, 12-17, 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by IBM Technical Disclosure Bulletin, "Remote Software Installation Protocol", Vol. 34, No. 10A.

As per claim 16:

- Regarding claim limitation, *"An comprising comprising: a computer; a network adapted to be connected to the computer; a remote computer adapted to be connected to the network including an operating system installation source, software, and a master installation script file; and a storage device adapted to store a set of computer executable instructions and at least one file for performing an installation routine"*, IBM Technical Disclosure Bulletin (TDB) teaches claim limitations by using an input/output processor (IOP) associated with a source system and target system (see reference's attached diagram) to install operating system remotely from the source to the target computer. The installation downloads data to the target system by using an install script as specified by bi-directional arrow between the source system and the target system (see reference's attached diagram). IBM TDB mentions some data includes an automatic install script (see page 1 of 2, line 28) specifying installation of custom operating system (see page 1 of 2 lines 28-29). Using bi-directional arrow as shown, the IOP specifies a communication execution between the target to the source and the source to target, and every arrow indicates an execution. Since loading data includes custom operating system and since target can create its own configuration objects to start communication with the source system to receive the operating system partly (see page 1 of 2, lines 36-38), IBM TBD teaches above claim limitations.

As per claim 17:

Regarding claim limitations, "wherein the storage device is a computer disk", IBM TDB teaches the claim limitations as using removable media (see page 1 of 2, line 40).

As per claim 1:

TDB discloses "*A method of automatically installing a computer operating system comprising: executing a generic installation routine on a computer on which an operating system is desired to be installed, wherein the generic installation routine is adapted to accept user inputs defining a delivery*

location, and wherein the generic installation routine is adapted to automatically detect a type of the first computer (See Diagram/Figure, referring '*a generic installation routine*' to 'IOP', '*a delivery location*' to 'communication link' (page 1, line 9), "*a type of the first computer*" to 'its unique identifier' (page 1, line 10) or 'the install identifier' (page 1, line 18), or See the Figure "I/O processor"),

connecting the computer to an operating system installation source adapted to be held on a remote computer (See Diagram/Figure, page 3),

retrieving a copy of a master installation script adapted to be held on the remote computer (See Figure, 'Transmit install script'),

modifying the copy of a master installation script in dependence on at least one variable associated with the delivery location and the computer type (See page 1, line 27, 'custom operating system options'),

creating a dedicated installation transcript (See page 1, line 27, 'custom operating system options'), *and auto-installing the computer operating system using the dedicated installation transcript* (See page 1, line 26, 'automatic install script')".

As per claims 18-19:

Claims 18-19 recite an article of manufacture that has claimed functionality corresponding to functionality of method claim 1. Claims 18-19 are rejected in the same reason set forth in connecting to the rejection of claim 1.

As per claim 2:

Regarding claim limitations, "*installing software associated with the computer type* (See page 1, line 24 'the microcode and operating system') *in accordance with the dedicated installation script, wherein the installation routine is adapted to retrieve the software associated with the computer type from a remote source* (see the Diagram/Figure, page 3).

As per claim 4:

Regarding claim limitations, "*wherein the remote source is the remote computer*", IBM TDB teaches the claim limitations as showing target system and source system (See Diagram/Figure, page 3, "source system", "target system").

As per claim 5:

Regarding claim limitations, "*wherein the remote source is adapted to be accessible by the internet*", IBM TDB teaches the claim limitations as showing target system and source system (See Diagram/Figure, page 3, that has means of accessing and of Internet).

As per claim 12:

Regarding claim limitations, "*wherein the remote computer is adapted to be connected to a network*", (See Diagram/Figure, page 3, "source system" and "target system" → Network).

As per claim 13:

Regarding claim limitations, "*wherein the installation routine is adapted to be initiated by running a computer program stored on a storage device*", IBM TDB teaches the claim limitations as using executions in the target system (See Diagram/Figure, page 3, 'main storage').

As per claim 14:

Regarding claim limitations, "*wherein the storage device is a computer disk adapted to be inserted into a drive of the computer*", IBM TDB teaches the claim limitations as using removable media (See page 2, last paragraph).

As per claim 15:

Regarding claim limitations, "*wherein the computer is adapted to connect to the remote computer by the internet*", IBM TDB teaches the claim limitations as using executions in the target system (See Diagram/Figure, page 3).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 3, 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM Technical Disclosure Bulletin, "Remote Software Installation Protocol", Vol. 34, No. 10A as applied to claim 1 above, and further in view of Elledge, a US Pat No. 6,376,073.

As per claim 3:

IBM TDB discloses, "*retrieving software associated with the hardware components, supplementing the computer operating system from a remote source, and installing the software in accordance with the dedicated installation script* (IBM TDB teaches the claim limitations as using the IOP to provide remote installation, see diagram, page 3).

IBM TDB does not explicitly address the limitation "*wherein the installation routine is adapted to detect hardware a components of the compute*".

Elledge discloses this limitation (Elledge: See Fig. 2, and associated text in columns 3-4). Elledge shows that, when a software product is installed in a computer system, it requires configuring by identifying computer components using its BIOS settings. Thus the identification of the computer type or component is for conforming to the requirements in operating a computer. Knowing computer components is overhead for installing software. Therefore, it ensures an error free.

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to detect the computer components using a routine by combining the teaching of remote installation

using install script and user-made configuration of IBM TDB, and the teaching configuring the BIOS for identifying the differences in computer to software features for conforming to the requirements of computer operating system which requires software must be matched with its standard system in order to provide the suitable software.

As per claim 7:

IBM does not explicitly disclose, "*detect the computer type by evaluating the computer's BIOS settings*". Elledge further discloses, "*wherein the installation routine is adapted to detect the computer type by evaluating the computer's BIOS settings*" (Elledge: See Fig. 2, and associated text in columns 3-4).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to detect the computer components using a routine by combining the teaching of remote installation using install script and user-made configuration of IBM TDB, and the teaching configuring the BIOS for evaluating the differences in computer to software features for conforming to the requirements of computer operating system which requires software must be matched with its standard system in order to provide the suitable software.

As per claim 6:

Elledge further discloses, "*wherein the installation routine is adapted to detect the hardware components of the computer by evaluating at least one of the computer's BIOS settings*" (Elledge: See Fig. 2, and associated text in columns 3-4). The motivation is the same as reasoned in connecting to claim 3.

As per claim 8:

Elledge further discloses, "*wherein the installation routine is adapted to evaluate at least one of the computer's BIOS settings by comparing at least one of the computer's BIOS setting with at least one predetermined BIOS setting*" (Elledge: See Fig. 2, and associated text in columns 3-4). The motivation is the same as reasoned in connecting to claim 3.

As per claim 9:

Elledge further discloses, "*wherein the storage device is adapted to store a database containing the predetermined BIOS settings, wherein at least one of the individual BIOS settings is associated with at*

least one of the hardware variables, and wherein at least one of the hardware; variables is adapted to modify the master installation script " (Elledge: See Fig. 2, and associated text in columns 3-4). The motivation is the same as reasoned in connecting to claim 3.

As per claim 10:

Elledge further discloses, "*installing software for undetectable hardware components, wherein at least one of the hardware variables is adapted to modify the master installation script*" (Elledge: See Fig. 2, and associated text in columns 3-4). The motivation is the same as reasoned in connecting to claim 3.

As per claim 11:

Elledge further discloses, "*changing at least one of the programmable settings of the computer or hardware component, wherein at least one of the hardware variables is adapted to modify the master installation script*" (Elledge: See Fig. 2, and associated text in columns 3-4). The motivation is the same as reasoned in connecting to claim 3.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Byer et al., US Pat. No. 6,684,397 discloses remote installation between the master process and the slave process.

Luu, US Pat. No. 6,324,690 discloses remote installation of application software from a source computer system to target computer systems coupled to a LAN.

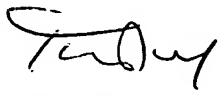
Halpern et al., US Pat. No. 6,282,711 discloses installing a subset of software components and data files contained in a component pool in a distributed processing network.

Gottfried Rudorfer, "Managing PC Operating Systems with a Revision Control System", discloses remote installation between servers and Client computers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo
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Art Unit 2122
March 11, 2005